UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,517	08/17/2001	Edgar Michael Fitzsimons	4301-4000	6328

27123	7590	09/21/2006

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EXAMINER
LUU, SY D

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/932,517	FITZSIMONS ET AL.
	Examiner	Art Unit
	Sy D. Luu	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 September 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-39</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-39</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>17 August 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to the RCE and Request for Reconsideration After Final filed 9/5/2006.

2.   Claims 1-39 are pending in this application. Claims 1, 14 and 27 are independent claims. This action is Non-Final.

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4.   Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora et al. ("Arora", US 2002/0023111A1) in view of Fisher (US 6,331,858 B2).

As per claims 1 and 3, Arora teaches a method of constructing a composite image within an image space of a webpage, such method comprising: dividing the image space of the composite image into a plurality of subspaces (figs. 38-41; *each subspace encompasses a DataList and DataField object such as element "Headline" and the image element in figure 41*), designating a subspace of the plurality of subspaces for receipt of a selected image of the plurality of source images (abstract; figs. 38-41; page 8, paragraphs [140-148]; pages 3 and 5, paragraphs 76-78 and 94; *selecting and dragging/dropping display elements such as images to their designated subspaces to define a webpage layout*); and resizing the selected image to fit the designated subspace of the composite image, and displaying the resized image in the designated subspace (page 5, paragraph 103; page 6, paragraph 109; page 8, paragraph 147; *sizing function*).

While Arora teaches the steps of selecting and dragging/dropping display elements to their designated subspaces, Arora does not expressly disclose the step of displaying a plurality of source images (*display elements*) within a content area of the webpage for selecting/dragging/dropping a desired image. Fisher teaches a web browsing user interface for selecting a desired texture image within a content area of a webpage to be applied to a designated subspace on the webpage (abstract; fig. 3; col. 3, lines 37-40; col. 4, lines 17-45). It would have been obvious to an artisan at the time of the invention to combine Fisher's teaching of displaying a plurality of image choices in a content area of the webpage with Arora's method in order to facilitate user's viewing and selecting desired images.

As per claim 2, Arora teaches the step of using a mark-up language to encode the composite image (page 1, paragraph 10).

As per claim 4, Arora teaches the step of displaying a plurality of text images within the content area (page 5, paragraph 94).

As per claim 5, Arora teaches the step of designating a subspace of the plurality of subspaces for receipt of a selected text image of the plurality of text images (page 3, paragraph 78; and page 5, paragraphs 94 and 96).

As per claim 6, Arora teaches the step of resizing the selected text image of the plurality of text images to fit the designated subspace (page 5, paragraph 103; *sizing function*).

As per claim 7, Arora teaches the step of displaying the resized text image in the designated subspace (page 5, paragraphs 95 and 99; *previewing*)

As per claims 8-9, Arora's method discloses a Text Tool for creating a text display element (page 5, paragraph 107), but Arora does not explicitly teach the steps of editing text

within a text image of the plurality of text images, and editing a content of the text image within

the designated space. Official Notice is taken that the step of editing text and/or content of a text

image is well known in the art. It would have been obvious to an artisan at the time of the

invention to include such a feature in order to allow users to modify texts that have already been

entered.

As per claim 10, Arora teaches the step of dividing a subspace of the plurality of

subspaces into a text area and an image area (fig. 5; page 5, paragraph 94).

As per claim 11, Arora teaches the step of dragging a text image of the plurality of text

images to the text area of the divided subspace (fig. 5; page 5, paragraph 94).

As per claim 12, Arora teaches the step of dragging a source image of the plurality of

source images to the image area of the divided subspace (fig. 5; page 5, paragraph 94).

As per claim 13, Arora teaches the step of disposing lines around a subspace of the

plurality of subspaces (fig. 5; outline of a border around image 502 and text 504).

Claims 14-26 are similar in scope to claims 1-13 respectively, and are therefore rejected

under similar rationale.

Claims 27-39 are similar in scope to claims 1-13 respectively, and are therefore rejected

under similar rationale.

Response to Arguments

5.   Applicant's arguments with respect to claims 1, 14 and 27 have been fully considered but

they are not persuasive.

Applicant argues that Arora fails to teach or suggest the step of "...resizing the selected image to fit the designated subspace...", but instead Arora teaches resizing a boundary to fit an image, arbitrary image resizing by a user, and sizing the area for each field as disclosed in paragraphs [0109] and [0103].

While the Examiner agrees that resizing a boundary to fit an image is not the same as "resizing the selected image," the Examiner maintains the position that Arora's teaching still meets the claimed limitation. By disclosing that "the user can also change the size of the image using the cursor" and "...a Size Objects function that sizes display elements..." (paragraphs [0109] and [0103]), Arora's method does teach the step of resizing the selected image. Even if the image resizing is done arbitrarily by a user, As long as the operation of resizing an image is provided and performed, the claim limitation is still met as required. Furthermore, there is always an instant where the step of resizing of a selected image is done by the user, even arbitrarily, such that the image fits the designated subspace. When such an instant happens, the claim limitation is met.

It is noted that all steps as recited in the claims could be performed or initiated by either the system or by the user. If Applicant intends to have the step of "resizing" to take place automatically and without a user's intervention as described in the Specification (paragraph [0048]), then it is suggested that the claim language should be changed to reflect such distinguishing factor accordingly.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is **(571) 272-4064**. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SY D. LUU
PRIMARY EXAMINER
ART UNIT 2174

SDL: 9/18/06